

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD L. BRICKER,)
Plaintiff,) Civil Action No. 08 - 1053
v.) Electronic Filing
CAPT. GEORGE A. KUZILLA, Pennsylvania State)
Police Troop D; JOHN S. SHAFFER, Executive) District Judge David S. Cercone
Deputy Secretary; JUDITH VIGLIONE, Director;)
DR. JEFFREY A. BEARD, Secretary; WILLIAM)
D. SPRENKLE, Executive Secretary; JAMES)
BARNACLE, Director; DAVID S. NOVITSKY,)
Deputy Director; MICHAEL W. HORLOW,)
Superintendent; DEPUTY MAHLEMISTER;)
CAPT. RUSSELL WILSON, Security; LT.)
GIDDINGS, Officer; CO. EXLEY, Guard; CO.)
WALMSLEY, Guard; CO. WOOD, Guard; Mr.)
APPLEGARTH, CCII; WILLIAM (BILL) WOODS,)
Unit Manager; SGT. WALKER, Official;)
RANDALL PEEVEY, Inmate; THOMAS)
MILLIRON, Inmate; THOMAS W. CORBETT, JR.,)
Attorney General; and ALL JOHN AND JANE)
DOE'S,)
Defendants.)

ORDER

The above captioned case was initiated on July 29, 2008, by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. It was originally assigned to Magistrate Judge Lisa Pupo Lenihan, but was reassigned to Judge David S. Cercone on October 7, 2008, upon the filing of an appeal of a Magistrate Judge ruling. The case was referred back to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (doc. no. 88), filed on October 9, 2009, recommended that Plaintiff's claims against Defendants Peevey and Milliron be dismissed *sua sponte* and further recommended that Defendant Peevey's Motion for Summary Judgment (doc. no. 73) be denied as moot. Plaintiff was served at his address of record and the parties were advised they were allowed ten (10) days from the date of service to file written objections. After being granted an extension of time, Plaintiff filed Objections on November 3, 2009. After a review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 5 day of January, 2010;

IT IS HEREBY ORDERED that Plaintiff's claims against Defendants Peevey and Milliron are **DISMISSED**.

IT IS FURTHER ORDERED that Defendant Peevey's Motion for Summary Judgment (doc. no. 73) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 88) of Magistrate Judge Lenihan, dated October 9, 2009, is adopted as the Opinion of the Court.

DS Cercone

David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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